

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SUSAN SEMSLAK, et al.,

Plaintiffs,

v.

CITY OF HENDERSON, et al.,

Defendants.

2:10-CV-00435-LRH-LRL

ORDER

Before the court is Defendants' counter-motion to dismiss or, in the alternative, counter-motion for protective order. Doc. #22.¹ Although docketed separately, the instant motion is an integrated part of and consolidated with Defendants' opposition, Doc. #20, to Plaintiffs' motion for protective order, Doc. #17. In the alternative, Defendants request that the court either deny Plaintiffs' motion and require Plaintiff Susan Semlak to unseal the records at issue, or dismiss Plaintiffs' complaint for failure to provide the sealed records and for failure to prosecute. *See* Doc. #22, p. 7.

On December 15, 2010, United States Magistrate Judge Lawrence R. Leavitt held a hearing and granted Plaintiffs' motion to the extent that the parties would prepare and submit a stipulated protective/confidentiality order. Doc. #27. On December 22, 2010, the parties accordingly filed a

¹Refers to court's docket entry number.

1 proposed Stipulation and Protective Order Regarding Confidential Records. Doc. #28. On April 8,
2 2011, the Magistrate Judge entered an order disapproving the stipulation without prejudice to the
3 submission of an amended order consistent with the court's electronic filing and other
4 requirements. Doc. #31. As of this date, the parties have yet to submit an amended order.
5 However, it appears the dispute underlying Plaintiff's motion and Defendants' opposition and
6 counter-motion remains resolved. *See also* Doc. #32, p. 2 (stipulation to extend deadlines).
7 Defendants' counter-motion will therefore be denied without prejudice.

8 IT IS THEREFORE ORDERED that Defendants' counter-motion to dismiss or in the
9 alternative counter-motion for protective order (#22) is DENIED.

10 IT IS SO ORDERED.

11 DATED this 10th day of May, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE